REMARKS

Claims 1-2 are pending in the application. Applicants have amended the Specification and Drawings as suggested by the Examiner. The claims have not been amended. Applicants respectfully request reconsideration in view of the Amendment and Remarks set forth below.

First, Applicants note that the Examiner's rejection appears to be somewhat muddled. While the Examiner has listed the rejection as being a rejection under 35 U.S.C. § 102 (b), the Examiner then states that claim 1 is rejected under 35 U.S.C. § 103(b). Moreover, the Examiner also states in the explanation of the rejection that "It would have been obvious to one of ordinary skill in the art at the time of the invention * * *." This statement would seem to suggest that the rejection was an obvious rejection and not an anticipation rejection. As such, Applicants have responded to rejections under both 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a).

Under 35 U.S.C. §102(b), "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, "[t]he identical invention must be shown in as complete detail as is contained in the * * * claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The Examiner asserts that Prior Art Figure 3 anticipates claims 1 and 2.

Claim 1 includes the following limitation: "a constant voltage is supplied from **both ends** of said capacitance lines." (Emphasis supplied.) Prior Art Figure 3 does not teach or suggest that limitation. Instead, Figure 3 only shows that a voltage is supplied from one end of the capacitance line. Accordingly, Figure 3 does not anticipate claim 1.

Claim 2 includes the following limitation: "a plurality of first capacitance lines, each extending for a row and connected to and shared by the other end of a capacitance in said display pixels; and a plurality of second capacitance lines connected to and shared by both ends of said plurality of first capacitance lines; wherein a constant voltage is supplied to said second capacitance lines." Figure 3 does not show a plurality of first capacitance

lines and a plurality of second capacitance lines. In addition, Figure 3 does not teach or suggest that the plurality of second capacitance lines are connected to and shared by both ends of the plurality of first capacitance lines and that a constant voltage is supplied to the second capacitance lines. Accordingly, Figure 3 does not anticipate claim 2.

Under 35 U.S.C. § 103(a), for an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art; and that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996). As discussed above, the Examiner has not shown that all of the elements are disclosed in the prior art.

Moreover, an Examiner cannot establish obviousness without also providing evidence of the motivating force that would have impelled one skilled in the art to do what the patent applicant has done. *Ex parte Levengood*, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. Int. 1993). Thus, Figure 3 must suggest the invention. In this case, there is no teaching or suggestion in Figure 3 of having a voltage supplied from **both ends** of the capacitance lines.

Applicants further maintain that the Examiner has used an improper standard in arriving at the rejection of the above claims. In applying Section 103, the U.S. Court of Appeals for the Federal Circuit has consistently held that one must consider both the invention and the prior art "as a whole," not from improper hindsight gained from consideration of the claimed invention. *See Interconnect Planning Corp. v. Feil*, 227 U.S.P.Q. 543, 551 (Fed. Cir. 1985) and cases cited therein. According to the *Interconnect* court

> "[n]ot only must the claimed invention as a whole be evaluated, but so also must the references as a whole, so that their teachings are applied in the context of their significance to a technician at the time - a technician without our knowledge of the solution." *Id.*

In this case, the Examiner states that the claims are unpatentable over Figure 3. The

Examiner does not point to any reference that provides the teaching as claimed by Applicants. Thus, claims 1 and 2 are patentable over Figure 3. Accordingly, Applicants respectfully request that this rejection be withdrawn.

In addition, attached hereto is a marked-up version of the changes made to the application. The attached page is captioned **"Version with Markings to Show Changes Made."**

In view of the foregoing, it is respectfully submitted that the instant application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

In the event the Commissioner of Patents and Trademarks deems additional fees to be due in connection with this application, Applicants' attorney hereby authorizes that such fee be charged to Deposit Account No. 06-1130.

Respectfully submitted,

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MARKED UP VERSION TO SHOW CHANGES MADE

IN THE SPECIFICATION:

Please amend the paragraph beginning on page 5, line 18 in "marked up" format, as follows:

An active matrix type EL display device according to a preferred embodiment of the present invention is described hereinafter referring to Figs. 1 and ~~3~~2.